

IPW

Docket: 05071

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MAIL STOP AMENDMENT

EL LARHRIB et al.

Group Art Unit: 1615

Serial No.: 10/538,490

Examiner: Jeffrey T. Palenik

Filed: June 9, 2005

For: DRUG DELIVERY PARTICLES AND METHODS OF TREATING
PARTICLES TO IMPROVE THEIR DRUG DELIVERY CAPABILITIES

RESPONSE TO RESTRICTION REQUIREMENT

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This is in response to the requirement for restriction that was made under 35 U.S.C. §121 on March 18, 2008, in the above-mentioned application.

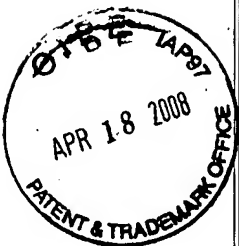
The Office has required restriction in the present application as follows:

Group I: claims 34-42, drawn to a composition comprising a particle that acts as a carrier for at least one agent.

Group II: claims 43-62, drawn to a method of making a composition comprising a particle that acts as a carrier for at least one agent.

Group II: claims 63 and 64, drawn to a method of using a composition comprising a particle that acts as a carrier for at least one agent.

Applicant hereby elects to prosecute, with traverse, the invention of Group II, drawn to a method of making a composition comprising a particle that acts as a carrier for at least one agent.

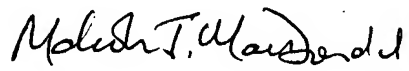


It is believed that claims 43-62 read on the elected invention.

Applicant respectfully traverses the restriction requirement on the grounds that the Office has not shown even a *prima facie* case that a serious burden would be placed on the Examiner if the inventions of Groups I, II, and III were to be examined together. Accordingly, since it has not been shown by the Office that a serious burden would be placed on the Examiner if the inventions of Groups I, II, and III were to be examined together, Applicant submits that restriction cannot be properly maintained between Groups I, II, and III. The restriction requirement is clearly improper, and it should be withdrawn.

It is believed that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

By: 
Malcolm J. MacDonald
Reg. No. 40,250
(703) 837-9600 Ext. 24